

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DENNIS HART, et al.,

No. C-07-5845 MMC

Plaintiffs,

**ORDER CONTINUING HEARING ON  
PLAINTIFFS' MOTION FOR SUMMARY  
ADJUDICATION OF ISSUES AND  
DEFENDANT'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

v.

CITY OF ALAMEDA,

Defendant.

Before the Court are plaintiffs' Motion for Summary Adjudication of Issues, filed January 12, 2009 and noticed for hearing February 27, 2009, and defendant's Opposition to Plaintiff's Motion for Summary Adjudication and Motion for Partial Summary Judgment, filed February 6, 2009 and likewise noticed for hearing February 27, 2009. On February 17, 2009, plaintiffs filed a reply to defendant's opposition to plaintiffs' motion. On February 20, 2009, defendant filed a reply in support of its motion.

As the final memorandum in connection with the instant motions was filed less than two weeks prior to the hearing date, and, in light of the Court's calendar, the hearing on the motions is hereby CONTINUED to March 13, 2009. See Civ. L.R. 7-3(c) (providing reply

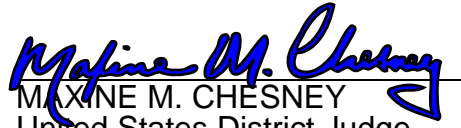
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1 must be filed "not less than 14 days before the hearing date").<sup>1</sup>

2 **IT IS SO ORDERED.**

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4 Dated: February 23, 2009

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6 MAXINE M. CHESNEY  
7 United States District Judge  
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25 <sup>1</sup>The Court further notes that the briefing schedule on the instant motions was the  
26 result of defendant's having noticed its motion for partial summary judgment for a date less  
27 than 35 days from the date of the filing of such motion, which schedule is not in accordance  
28 with the Civil Local Rules of this district. See Civ. L.R. 7-2(a) (providing motion must be  
noticed for hearing "not less than 35 days after service of the motion"). To comply with the  
Civil Local Rules, defendant's motion should have been noticed for hearing on March 13,  
2009. Under such circumstances, the Court likely would have continued the hearing on  
plaintiffs' motion to the same date.